



INDEPENDENT DEVELOPMENT MODEL FOR VILLAGE LAND ASSET MANAGEMENT INSEGARA KODANG BY SESETAN VILLAGE

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Abstract:

Efforts to improve the welfare and independence of Krama Desa Adat through increasing the role of traditional villages are very appropriate, especially in Bali. Based on the Regional Regulation of Bali Province Number 4 of 2019 concerning Customary Villages, Sasetan Traditional Village manages its land assets through the independence of indigenous village communities to form a legal forum in the form of providing legal certainty for efforts to develop Small and Medium Enterprises in empowering customary village land assets. Based on the above, the main problems studied in this study can be formulated: How to improve village land management to create multi-management to empower indigenous peoples' businesses to achieve independent customary villages. The method used in this study is the Empirical method. For the Development of Small and Medium Enterprises in the Legality of Land Asset Management, the Village uses the purpose of access reform conceptualized by Tri Hita Karana in managing access reform, which aims to prosper indigenous peoples and relieve the community in carrying out these customs. Focusing on empowering access reform with the concept of Tri Hita Karana in preserving the surrounding environment.

Keywords: Small and Medium Enterprises, Legality, Land.

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INTRODUCTION

The Indonesian state is a country of various tribes, religions, and customs from Sabang to Merauke. These customs are very different from each other. Since this country proclaimed its independence, Indonesia has formed into a unitary state by having a legal system that applies nationally. The legal system is one of the tools for integrating this nation.

The facts show that the turmoil caused by the economic crisis due to the prolonged pandemic is a mismanagement of the economy of the New Order government. The crisis occurred due to the breakdown of economic pillars in banking, monetary policy, and high foreign debt lending. That is, policies made by the government are unilateral and only benefit a group of entrepreneurs (prominent business actors) by ignoring the interests of a group of other entrepreneurs (small and medium enterprises) (Prayoga, 2000). In other words, unfair economic activity existed between business actors during the New Order period. Therefore, Law of the Republic of Indonesia Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition, which



carries the principles of "economic democracy" and "balance," has raised millions of hopes for business actors and levels of society. Namely, realizing business activities conducive to creating fair competition through increasing the effectiveness and efficiency of doing business encourages Indonesia's economic development. Thus, seeing the current reality, the Law of the Republic of Indonesia Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition is expected to function optimally to restore and develop the Indonesian economy.

Tenure of land rights often causes conflicts both vertically and horizontally. Conflicts in land rights control can be caused by several factors, including changes in people's mindsets from communal to individualistic, religious communal to secular individuals (Suwitra, 2010). Efforts to alleviate poverty and improve community welfare are not always the government's responsibility alone, but all of them should be the responsibility of all levels of society. Harmonious cooperation between the government as a provider of funds and facilities should be supported by the active participation of all underprivileged communities who are the target of efforts to improve community welfare.

The government's programs to overcome poverty and improve community welfare will not work and succeed well without awareness, support, and active participation from all levels of society. Therefore, the willingness and hard work of the community, especially people with low incomes, will be the key to the success of these programs. This is also supported by the opinion that "increasing community participation and self-reliance, initiatives, innovation and empowerment of rural communities to realize community welfare" (Dana & Suprpta, 2019). Active community participation, accompanied by guidance and assistance provided by the government, will make these poverty alleviation programs run well, which, in the end, efforts to improve community welfare can be achieved, and Indonesian society will be free from poverty.

Customary Village is not just a social system for Balinese people; more than that, Traditional Village is Balinese society. The traditions, culture, and customs of the Balinese people that make Bali known and loved by the world grow and develop within the Indigenous Village. Therefore, Bali without the Customary Village is not Bali. Given the importance of the existence and role of Customary Villages for the Balinese people, the Governor of Bali, I Wayan Koster, is committed to maintaining and strengthening the existence of Indigenous Villages, one of which is by making Indigenous Villages as one of the pillars in its development programs.

Because customary land is the most critical capital in economic development for people's lives, the complexity of land problems may arise along with increased economic needs for the land. Customary land can be formulated as lands belonging to associations, races, tribes, clans, villages, and so on that individuals do not own, even though the person concerned has used it for their survival (Suastawa Dharmayuda, 1987). On the other hand, Valerie Jaqueline Leonoere Kriekhoff stated that customary land can be interpreted as land on which customary rules apply (Suwitra, 2020). On the other hand, along with the development of the population to date, it demands someone the need for land as land for residence and land to strive for their lives. The control, ownership, and utilization of land rights are limited to individualistic relationships and groups (communal) based on a customary law bond between people and land. Customary law became one of the motivating spirits for the formation of Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations of Agrarian Principles, whose position replaced the grip of the domain verklaring with the recognition of customary rights of customary law communities over land as outlined in Article 3 of Law of the Republic of Indonesia Number 5 of 1960 concerning Basic Regulations of Agrarian Principles.

Welfare is a system of life and social livelihood, both material and spiritual, that is covered by a sense of security and inner peace that allows every citizen to fulfill the best physical, spiritual, and social needs for themselves, their families, and the community by upholding human rights and obligations following Pancasila. Based on this understanding of welfare, the welfare of the community in this study is a state of safety, Sentosa, prosperity, security, and tranquility. It can meet their needs well, based on the perception of beneficiaries. Empowerment of access to Sesetan customary village reform can be done Through the stages of identifying and analyzing funding needs for indigenous villages, a series of indigenous and cultural preservation based on the fertility of indigenous peoples that should be maintained (Utama, 2022).

Small and Medium Enterprises are a form of community small business whose establishment is based on someone's initiative. Most people assume that Small and Medium Enterprises only benefit certain parties. Small and Medium Enterprises play a vital role in reducing the unemployment rate in Indonesia. Small and Medium Enterprises can absorb many Indonesian workers who are still unemployed. The characteristics of Small and Medium Enterprises in Indonesia, in general, are:

1. Management stands alone; in other words, there is no firm separation between owners and company managers. The owner is also a manager in a Small and Medium Business.
2. Capital is provided by an owner or a small group of capital owners.
3. The area of operation is generally local, although there are also Small and Medium Enterprises with a foreign orientation in the form of exports to trading partner countries.
4. The size of the company, both in terms of total assets, number of employees, and small infrastructure.

Small and Medium Enterprises have a strategic role in national economic development because, in addition to playing a role in economic growth and employment, they also play a role in distributing development results. In the economic crisis in our country since some time ago, where many large-scale businesses have stagnated and even stopped their activities, the Small and Medium Enterprises sector has proven more resilient.

METHODS

The type of research used in this study is empirical legal research, namely research conducted because of a gap between theory and reality. In this case, Santana pears are one of the solutions Santana putting can do in Balinese customary law, but in the field, Santana putting does not. It indicates a gap between theory and reality. The types of approaches used are the statute approach, the conceptual approach, and the case approach. Field and literature studies were carried out to obtain the data in this study. From field studies and literature studies, both primary and secondary data will be collected through recording in the form of documents using a file system (Suwitra, 2019). After all the data has been collected with the file system, the data is analyzed with an analytical descriptive.

RESULT AND DISCUSSION

Overview of Village Assets In line with the growth of the Unitary State of the Republic of Indonesia, decentralization and regional autonomy are continuously developing. The journey of government reform in Indonesia has caused paradigm shifts in governance to self-reliant regions and empower communities. The process of switching from a deconcentration system to a decentralized system is called local government with autonomy. Regional Autonomy is a manifestation of the implementation of government affairs based on the principle of decentralization, namely the handover of government affairs to the regions to take care of their households.



Implementing the Village Autonomy Policy is preserved from this reality. The Village Autonomy Policy does not mean that the Village can freely will by the aspirations of its people because all wills remain limited by the significant interests of the Village Government. The opening of space for empowerment efforts for rural communities through various Regional Regulations on the implementation of Village Autonomy is expected to provide a path to the creation of village development to realize a prosperous village community. In addition to giving authority to the Village Government to manage its household, the Village Autonomy policy also requires the Autonomous Village's ability to finance development in its Village independently. This means that the Village Government must be able to explore its sources of income by utilizing various resources in its area or conducting other businesses as stipulated in laws and regulations.

One of the sources of income for the Village is from the proceeds of assets. Assets are goods that, in the legal sense, are called objects, consisting of immovable and movable objects. The goods in question include immovable goods (land and or buildings) and movable goods, both tangible (tangible) and intangible (intangible), which are included in assets/assets or assets of a company, business entity, institution, or individual. This includes assistance from abroad that is obtained legally.

Article 1 point 5 of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 1 of 2016 concerning Village Asset Management states that what is meant by Village Assets is village property derived from the original wealth owned by the Village, purchased or obtained at the expense of the Village Revenue and Expenditure Budget (APBDesa) or the acquisition of other legal rights. To optimize village assets, it is necessary to manage them, which is a series of activities ranging from planning, procurement, use, utilization, security, maintenance, elimination, transfer, administration, reporting, assessment, coaching, supervision, and control of village assets.

Based on Article 2 Paragraph (1) of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 1 of 2016 concerning Village Asset Management, determining the type of village assets consists of Original village wealth, village-owned wealth purchased or obtained at the expense of the Regional Budget, village wealth obtained from grants and donations or similar, village wealth obtained as an implementation of agreements/contracts and obtained based on the provisions of laws and regulations, the results of village cooperation and village wealth derived and other legitimate acquisitions.

The provisions regarding the original wealth of the Village are formulated in Article 2 Paragraph (2) of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 1 of 2016 concerning Village Asset Management, namely: Village cash land, village market, animal market, boat moorings, village buildings, fish auctions managed by the Village, auctions of agricultural products, village-owned forests, village-owned springs, public baths and others of the Village's original wealth. Village cash land is a strategic village asset, so the form of utilization must be appropriate to be effective and successful. Utilization utilizes village assets indirectly to carry out village government duties and does not change ownership status.

Village asset utilization model that has been running in Sesetan Traditional Village. Village asset management is a way or effort in the process or a series of activities carried out by a group of people, from planning, organizing, and implementing to supervising to achieve a goal. Technical implementation must be directed at creating and developing practical, efficient, and mutually supportive activities so that their existence provides the most significant benefit for everyday life in the form of community life. Village asset management is based on functional principles, legal certainty, transparency and openness, efficiency, accountability, and value certainty. The explanation of the management stages is as follows:



1. Planning

The planning process, in this case, involves all stakeholders in the Village, with the aim that development goals are touched directly by the community using village deliberation first. The initial stage in the planning process of village asset management is through village deliberation. Furthermore, allocating the budget to be used in advance, the village government sorts short-term and long-term planning after the village deliberations are completed. The planning is simple, which means that the arrangement of the plan must be systematic, priorities are visible, and all the main activities to be carried out are covered. Implemented based on public interest principles, functional, legal certainty, openness, efficiency, effectiveness, accountability, and certainty of economic value. What is contained in the Village Government Work Plan for the Preparation of the Village Government Work Plan is to present an annual village development planning document based on the needs of the Village. By Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, each Village is required to prepare a Village Government Work Plan. Based on the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 20 of 2018 concerning Village Financial Management, Article 1 of this regulation states: The Village Government prepares a Village Government Work Plan as a description of the Village Medium-Term Development Plan. The Village Government Work Plan is the basis for determining the Village APB; the Village Government Work Plan Draft must be described as Village Objective Conditions. Village Objective Conditions describe the situation in the Village, both regarding human resources, natural resources, and other resources, and consider other things.

2. Utilization

Optimization of village asset utilization is an optimization of asset use in addition to improving services to the community, generating income in the form of money, and also being able to prosper the community. The utilization of assets in the village revenue structure is included in the details of the objects resulting from the utilization or utilization of village wealth that are not separated. The utilization or utilization of assets in Sesetan Village has yet to be maximal. Because, in this case, there is a need to utilize existing village assets, there needs to be more exceptional guidance for village officials tasked with assisting the community. If it can be seen with the naked eye, the benefits of this village cash land can get village income and help the village community's economy. Moreover, the village government also needs to conduct coaching for the people in the Village to find out what are the assets of the Village. So that the village government and the village community can be sustainable with each other to work together in the utilization of village assets to increase opinions in the Village that aim to support the needs of the Village.

3. Maintenance

Maintaining village assets, movable and immovable, is carried out jointly, and if ample funding is needed, then included in the budgeting plan, immovable assets, specifically light maintenance, are carried out jointly between the community and the village government that uses these assets. Maintenance that requires expert staff must have special budgeting to maintain it. The user's use and power of attorney must list the results of the maintenance of goods and report periodically to the village government.

The assets of Sesetan Traditional Village are part of the Village's assets consisting of movable and immovable goods owned and controlled by the Village Government, which are partially or fully financed with the village budget and expenditure funds. Village cash land is a strategic village asset, so the form of utilization must be appropriate to be effective and successful. Land and buildings are village assets in the form of immovable goods. Good management and utilization of village assets (especially land and buildings) will encourage village economic growth, ultimately impacting the

Village's Original Income as a source of village financing. Conversely, village assets that need to be managed and utilized correctly will provide village financial prosperity through maintenance costs for low-value assets.

The policy on utilizing village assets in the Sesetan Traditional Village is based on Village Regulations issued by the Sesetan Village customary Bendesa. The Sesetan Lurah Decree then follows up. The form of utilization of village assets, especially for village cash land currently running in Sesetan Traditional Village, is through Profit Sharing. Land and buildings owned by the Sesetan Traditional Village Government located in Segara Kodang Bay, close to the center of community economic activity, have not been able to provide high value as a result of not being managed and utilized correctly due to improper selection of forms of use. With village boundaries, among others:

- a. Northern Boundary: Pekraman Village Denpasar
- b. Eastern Boundary: Pekraman Panjer and Sidakarya villages
- c. Southern Boundary: Pekraman Serangan Village
- d. West Boundary: Pekraman Pedungan Village

Article 3 of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 1 of 2016 states that village asset management must be based on functional principles, legal certainty, transparency and openness, efficiency, accountability, and value certainty. Given this, the appropriateness of utilizing village assets, in this case, village cash land, determines the value of high-value assets.

Innovative Integrated Village Development Model with Tri Hita Karana Concept. The inequality of Tri Hita Karana's relationship can cause disasters that endanger human life. The development of science and technology that has been achieved, in addition to impacting life force, also has a detrimental impact. Because the nature in which humans live and Sarwa prana is squeezed out for the sake of enjoyment of human life. Ergonomics supports the balance Tri Hita Karana created because ergonomics is a science, art, and technology that seeks to adjust tools, methods, and work environments to human abilities and limitations so humans can work optimally. From the ergonomic view that the environment or conditions must be balanced, protected forests must be sustainable so that the work environment is not too hot, noisy, humid, bad weather, etc. The innovative integrated village development model with the Tri Hita Karana concept consists of three parts, namely:

1. Parahyangan ((harmonious relationship between humans and Sang Hyang Widhi Wasa (God))

The efforts of the implementation of Dewa Yadnya can demonstrate the application of Parahyangan. Because Parahyangan is a relationship between humans and God, its application can be done with Dewa Yadnya. For instance, individuals might demonstrate their devotion through acts such as maintaining the cleanliness of the temple, engaging in regular and sincere prayers, adhering to religious teachings, and abstaining from actions considered forbidden by God.

The application of Parahyangan at the regional level is in the form of Kahyangan Jagat. As the literal meaning, Pura Kahyangan Jagat is a universal temple. All the people created by God in the world can pray there. Kahyangan Jagat Temple is spread all over the world. In Bali, it is related to a long history. Pura Kahyangan Jagat is classified with several frameworks (conceptions), for example, the framework of Rwa Bhineda, the framework of Catur Loka Pala, and others. Kahyangan Rwa Bhineda Temple such as Purusa (male symbol) such as Besakih temple (found in Karangasem Regency, Bali) Pradana (female symbol) such as Ulun Danu Batur Temple (found in Bangli Regency, Bali). Generally, what we call the universe, according to the understanding of our ancestors, is Bali. Whereas now, most of us view the universe as the world, some even immediately assume that the

universe is a region of the universe, complete with all constellations of stars, nebulae, comets, and black holes. While at the village level in the form of Kahyangan Tiga.

Etymologically, the word Kahyangan Tiga comes from two words, namely kahyangan and tiga. Kahyangan comes from the word Hyang, which means holy, gets the prefix ka- and the suffix - an, indicating the place, and Tiga means three. The complete meaning is three holy places: Pura Desa, Pura Bale Agung, Pura Puseh, and Pura Dalem. Customary villages, as traditional social institutions, are social groupings based on territorial unity marked as they live in the same area, have tasks in mutual aid activities, and carry out the duties of joy. Another grouping is based on the genealogy of singular kawitan, singular rebuttal, and a social grouping called sisya, which is based on who is made the leader in a religious ceremony.

Other traditional social institutions are subak (unity of farmers whose rice fields receive water from the same source of irrigation) and sekaha (voluntary unity). The entire traditional institution is very functional for efforts to preserve and harmonize Balinese culture, which is built based on the conception of Tri Hita Karana (three causes of prosperity), namely Parahyangan (place of worship), Pawongan (human), and Pelemahan (territory). Kahyangan Tiga is one of the elements of Tri Hita Karana, which is the parahyangan element of every traditional Village in Bali. At Kahyangan Tiga, the villagers pleaded for the Village's and its people's safety and welfare. The second and third elements of Tri Hita Karana are called palemahan and pawongan. Thus, in realizing a sense of security, peace, and inner prosperity in traditional village life based on three harmonious relationships, namely human relations with nature or village karma relationships with traditional village areas, human relationships with one another human beings in traditional villages and village karma relationships with Sang Hyang Widhi as protectors. This is what is called Tri Hita Karana in traditional villages in Bali. With the inclusion of divine elements in traditional village life in Bali, traditional villages in Bali also include socio-religious understanding. Therefore, the combination of customs and Hinduism in Bali is so close that it is not easy to strictly separate the elements of customs from religious elements because customs in Bali are imbued with Hinduism.

The Innovative Integrated Village Development Model with the Tri Hita Karana (Palemahan) Concept in the Sesetan Traditional Village is realized by occasionally carrying out daily routines such as celebrating canang sari, ngejot, Saipan, and other religious ceremonies. In a more specific sense, business actors who will later participate in developing Segara Kodang must continue carrying out the belief rituals already in the Sesetan Traditional Village.

2. Pawongan (harmonious relationship between humans and others)

An example of the application of vacancies is to maintain and establish good relationships between humans with one another. This can arise with an attitude of mutual belonging between religious people, mutual respect, and mutual help from everyone. If this has been implemented, it will create a harmonious and harmonious relationship between people of the same religion and those of different religions. By maintaining good relations between humans, these humans will create an atmosphere of safe, comfortable, peaceful, and peaceful life so that the purpose of human life can be adequately fulfilled.

The Innovative Integrated Village Development Model with the Tri Hita Karana (Pawongan) Concept in Sesetan Traditional Village is realized by considering that all people of Sesetan Traditional Village are their own families. More specifically, business actors participating in developing Segara Kodang must be given a safe and comfortable atmosphere.

3. Palemahan (harmonious relationship between humans and nature or their environment)



Palemahan is a relationship between humans and their natural environment. As we now know, there have been many natural disasters. Man's actions cause this. We should preserve nature so that things do not happen that we do not want, such as natural disasters that occur most of this. We must maintain the cleanliness of nature; we must not drain the contents of nature alone and not pay attention to it. As human beings, we should be able to discern what we should do and should not. For God not to be angry, we must take good care of His creation. This nature is God's creation that deserves to be maintained.

Village assets consist of movable and immovable goods owned and controlled by the Village Government, partially or fully financed with the village budget and expenditure funds. Village cash land is a strategic village asset, so the form of utilization must be appropriate to be effective and successful. Land and buildings are village assets in the form of immovable goods. Good management and utilization of village assets (especially land and buildings) will encourage village economic growth, ultimately impacting the Village's Original Income as a source of village financing. Conversely, village assets that need to be managed and utilized correctly will provide village financial prosperity through maintenance costs for low-value assets.

The Innovative Integrated Village Development Model with the Tri Hita Karana (Palemahan) concept in the Sesetan Traditional Village is realized by maintaining the environment of Segara Kodang to remain beautiful and sustainable. In a more specific sense, all corners not built to be used as the development of Segara Kodang must remain beautiful and sustainable lest, for the reason for development, the environment of Segara Kodang becomes unnoticed cleanliness.

CONCLUSION

In implementing the utilization of village assets in the form of cooperation utilization in Sesetan Traditional Village, among others, due to the use of village cash land for decades and lack of understanding of the form of cooperation utilization resulting in agreements that applicable laws and regulations have made. The village government has yet to be able to change the utilization of ongoing village assets. In addition, socialization of the utilization of village assets through cooperation is a form of utilization that is not popular in village government, so it cannot be applied in Sesetan Traditional Village. The concept of Tri Hita Karana in the utilization of village cash land as an effort to optimize village asset management to improve the village economy sustainably, namely by exploring potential, among others, for land managed using a joint self-help cooperation system and has been built on top of a building used for the management and development of infrastructure facilities in supporting tourism development in Segara Kodang and the secretariat of fishermen group organizations. A review of the past forms of use must be carried out to anticipate ongoing risks regarding the legal consequences arising if village cash land is still used using the current model.

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